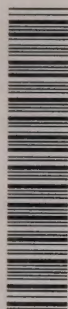


CA24N
ED 70
-57S76



3 1761 11893383 7

Ontario. **M**unicipal affairs dept.
Community planning branch
[**G**eneral publications]
[**G-1**] Summary of legislation
affecting planning 1957.

CA20W
ED 70
-57876

May 24, 1957.



Summary of Legislation Affecting Planning 1957

Prepared and distributed by the
COMMUNITY PLANNING BRANCH
DEPARTMENT OF PLANNING AND DEVELOPMENT



Hon. W. M. Nickle, Q.C., Minister


T. A. C. Tyrrell, Deputy Minister

A. L. S. Nash, Director

Queen's Park

—

Toronto 2, Ontario



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761118933837>

The following summary of selected legislative enactments made during the Session of the Legislature ending April 3, 1957, is prepared for the information and assistance of planning boards, committees of adjustment, municipal councils, local officials, and others interested in community planning in Ontario. References to amendments to The Planning Act, 1955, are given first, followed by The Municipal Act. References to amendments to other Acts are then presented, arranged in alphabetical order by the name of the various Acts concerned.

THE PLANNING ACT, 1955

Section 2 (4a) — Subsidiary Planning Areas.

This new subsection provides that when a planning area or any part of a planning area is included in a joint planning area, the planning area (or part) so included automatically becomes a subsidiary planning area.

Section 7 (8) — County Acting on Behalf of Municipalities in Joint Planning Areas.

Previously, the Minister could authorize a county council to act on behalf of the municipalities in a planning area in respect of the financing of the planning board where the planning area included a majority of the municipalities forming part of the county for municipal purposes and *one or more municipalities that do not form part of the county for municipal purposes*. This subsection is now re-written to extend the application of this section to planning areas that include all or a majority of the municipalities forming part of the county for municipal purposes, whether or not a city or separated town or a local municipality in an adjoining county is also included.

THE MUNICIPAL ACT

Section 386, paragraph 52 — Municipal Parking Lots.

Amendments to this paragraph authorize municipalities to erect buildings for parking purposes and to erect underground parking facilities under any lands invested in the municipality. They also offer an alternative method of charging the cost of a municipal parking lot to each parcel of land benefitted. This cost may now be shared in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the defined area.

Section 388 (1), paragraph 7 — Building Permits.

This paragraph has been amended by the addition of the following words at the end: "and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality." Before the enactment of this amendment a number of judicial decisions seemed to indicate that a building permit could properly be refused if the proposed building would contravene the provisions of a zoning by-law or any other by-law of the municipality, even though the construction might conform to the requirements of the building by-law. From the present amendment, it would appear that every municipality that wishes to be able to refuse a building permit under these circumstances should amend its building by-laws accordingly, to ensure that this authority is contained within the by-law.

Section 388 (1), paragraph 63 — Industrial Sites.

This paragraph is amended to authorize municipalities to use land originally acquired for industrial sites for municipal purposes or to sell such land to any local board for the purposes of the local board.

Section 388 (1), paragraph 81a — Sewage Works.

This paragraph, which was enacted in 1953, authorizes the councils of local municipalities to pass by-laws for establishing, operating and maintaining sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewer system, and for regulating the operation and maintenance thereof. This paragraph is now amended to authorize local municipalities to acquire sewage works that have been constructed by other parties.

Section 388 (1), paragraph 91c — Municipal Trailer Camps.

This new paragraph authorizes local municipalities to acquire, establish and operate trailer camps and trailer parks and provides for the payment of fees to the proper school board for pupils residing in the trailer camps or parks and attending a school under the jurisdiction of the board.

Section 388 (1), paragraph 115 — Pits and Quarries.

This paragraph, which authorizes a municipality to prohibit the making of pits and quarries or to regulate the location of pits or quarries within a municipality, is repealed. Presumably the matters previously dealt with under this paragraph can in future be dealt with under section 390 of The Municipal Act.

Section 389 — Sewer Rates.

This section, which provides for the imposition of sewer rates and sewage service rates, is revised and provides for methods of computing a sewer rate.

Section 390 (3) — Uses for Hazardous Purposes.

The amendment to this subsection is purely technical, and brings the reference to The Planning Act, 1955, up-to-date.

Section 390 (6), clause (b) — Non-Conforming Uses.

This clause previously provided that a zoning by-law does not prevent the erection or use for a purpose prohibited by the by-law of any building or structure the plans for which have been approved by the municipal architect or building inspector prior to the day of the passing of the by-law. This is now amended to provide that this protection only applies if the erection of the building or structure is commenced within two years of the passing of the by-law and if the building or structure is completed within a reasonable time.

Section 390 (12) — Application to State Whether Official Plan in Effect.

The amendment to this subsection is technical only, correcting the reference to The Planning Act, 1955.

Section 390 (18) — Copies of Decision of Municipal Board.

This new subsection provides that the Municipal Board shall supply a copy of its decision to the applicant and to every person who appears in person or by counsel at the hearing and who files a written request with the Board.

Section 479, paragraph 6 — Regulations re: Pits, Precipices, Etc.

This paragraph is amended to make it clear that its authority for the councils of municipalities to pass by-laws for regulating pits, precipices and deep waters and other places dangerous to travellers may be exercised with respect to the whole municipality or to any defined area or areas in the municipality.

THE CEMETERIES ACT

Sections 3 and 4 — Establishment or Enlargement of Cemeteries.

These sections are amended to substitute the municipal council for the local board of health as the authority to approve the establishment or enlargement of cemeteries and to provide for the submission to the Department of Health of a statement of the opinion of the council of the municipality or an application for establishment or enlargement of a cemetery. Previously a statement of the opinion of the local board of health was required.

THE CERTIFICATION OF PLANS OF SUBDIVISION ACT, 1957

This is a new Act, the purpose of which is to establish a system under which the title of land about to be subdivided under The Registry Act may be certified so that when the plan of subdivision is registered it will be unnecessary to go back of the plan to get a good root of title. While the Act was passed this year, it does not come into force until proclaimed by the Lieutenant-Governor, and it is felt that this will not occur for some months, at least. The Act provides, among other things, that the Lieutenant-Governor in Council may designate areas to be known as certification areas, and no plan of subdivision shall be registered in respect of land in such areas unless and until the title of all the land in the plan of subdivision has been certified under this Act.

THE HIGHWAY IMPROVEMENT ACT, 1957

This is a general revision of The Highway Improvement Act. As revised, the various parts and sections are re-arranged in a more logical order; reference to procedures in The Public Works Act has been avoided so that this Act as revised is entirely self-contained; the provisions respecting the powers that the Minister of Highways may exercise with respect to land without the owner's consent, to the right to compensation therefor, and to the procedures relating thereto have been clarified; and the provisions respecting controlled access highways have been brought into line with present day conditions.

Section 33 — Regulation of Lands Adjoining Highway.

The definition of the area of control at an intersection with the King's Highway is altered so that the controlled area may be more accurately determined and the right to compensation has been extended to include certain cases where there has been some doubt as to the right to compensation. The area of control now extends 150 ft. from any limit of the King's Highway or 600 ft. from the centre point of an intersection. Also, shopping centres have been included in the list of uses that may not be established within one half mile of any limit of the King's Highway without a permit from the Minister of Highways.

Section 36 — Controlled Access Highways.

The definition of the area of control at an intersection is altered so that the controlled area may be more accurately determined. Also, the controlled area at an intersection has been extended from a square with sides of approximately 1200 ft. to a circle with a radius of 1300 ft. measured from the centre point of the intersection.

Section 87 — Municipal Controlled-Access Roads.

The procedures relating to municipal controlled-access roads is made analogous to those relating to controlled-access highways, particularly in relation to the compensation provision.

Section 88 — Control of Roads Entering Municipal Controlled-Access Roads.

Subsection 1 makes it clear that a municipality may pass by-laws regulating entrances to its controlled-access roads.

THE LAND TITLES ACT

Section 23 (1).

A new clause (k) is added to this subsection to draw attention to the fact that land in the land titles system is subject to the provision of The Planning Act, 1955, in respect of areas of subdivision control.

Section 107 (1) — Scale of Plans.

This amendment brings The Land Titles Act into line with the corresponding amendment to The Registry Act, noted elsewhere in this summary, and will allow plans on a smaller scale to be registered in appropriate cases.

Section 107 (9) — Signatures on Plans.

This subsection is amended to require the use of black India ink for signing certificates on plans.

Section 107 (9a) — Inscribing Certificates.

This new subsection provides that the master of titles shall not register a plan any part of which is stamped or typewritten.

Section 107a — Subdivision Plan Areas.

This new section, which was enacted in 1953, and amended in 1956, is now amended to provide a more practical procedure under which the director of titles may apply to a judge to correct difficulties caused by inadequate or inaccurate descriptions of land.

Section 107b — Composite Plans.

This new section is designed as an administrative aid in dealing with lands patented in individual, small parcels, rather than in lots created by a plan of subdivision. It provides that, where lands have been or are granted by the Crown under The Public Lands Act and a plan of subdivision of such lands has not been registered, an application on behalf of the Minister of Lands and Forests may be made to the proper master of titles to register a composite plan showing such lands.

Section 150 (6-8) — Extension of Land Titles System.

These new subsections are designed to expedite the extension of the land titles system. They provide that where the operation of The Land Titles Act has been extended to a county, city, or town, under subsection 4 of section 150, the council of the municipality may pass a by-law authorizing an application to the proper master of titles that any designated area of land in the municipality that has been surveyed by an Ontario Land Surveyor be registered under The Land Titles Act.

THE LOCAL IMPROVEMENT ACT

Section 21 — Contributions for Excess Cost of Work

This new subsection provides that where a municipality receives a contribution to be applied to any excess cost of a work constructed with a greater capacity than is required for the abutting lots, the contribution is to be used to reduce the corporation's portion of the cost.

THE MINING ACT

Section 66 (1a) — Surface Rights.

This new subsection provides that the holder of a mining claim shall not have any right, title or claim to the surface rights of the claim other than the right to enter upon, use and occupy such part or parts thereof as are necessary for the purpose of prospecting and efficient exploration, development and operation of the mines, minerals and mining rights therein.

Section 100a — Disposal of Surface Rights.

This new section provides, in part, that in a patent or lease of a mining claim, the Minister shall reserve all surface rights excluded by or withdrawn under The Mining Act or the regulations, or which have otherwise been alienated by the Crown, and shall reserve all such other surface rights he considers necessary for any purposes other than the minerals industry and not essential for the efficient exploration and development of the mines, minerals and mining rights.

THE ONTARIO WATER RESOURCES COMMISSION ACT, 1957

This Act replaces The Ontario Water Resources Commission Act, 1956, and The Water-Well Drillers Act, 1954. It continues the Ontario Water Resources Commission with expanded and clarified powers, especially with respect to the financial aspects of the Commission in relation to water works and sewage works projects undertaken by the Commission for municipalities. It also transfers to the Commission the powers previously exercised by the Department of Health under Sections 101 to 105 (water and water-works) and sections 106, 107, 108, 111, and 112 (sewage and sewage works) of The Public Health Act and the powers previously exercised by the Department of Mines under The Water-Well Drillers Act, 1954.

THE REGISTRY ACT

Section 84 (1) — Registration of Plans of Subdivision.

This subsection has been amended to authorize the Inspector of Legal Offices to consent to the registration of a plan on a scale of not less than 400 ft. to the inch. Previously, the minimum scale was 100 feet to the inch, except where the consent of the registrar was obtained, when a minimum of 200 feet to the inch applied. This new provision will be helpful in preparing plans of subdivisions made up of many small parcels in limited areas, such as the area affected by the St. Lawrence Power Project.

THE SCHOOLS ADMINISTRATION ACT, 1954

Section 58 (1) — School Sites.

Previously, a school board could acquire land in an adjacent municipality within a distance of one mile from the limits of the city or town where it was probable that the limits of the city or town would be further extended to include such land. This is now amended to extend the limit to five miles.

Section 83a — Share of Licence Fees for Trailers to be paid to Boards.

This new section provides that where licence fees for trailers are collected in a municipality, the council shall pay over to the appropriate school board a share of such licence fees in accordance with the new provision. This does not apply to trailer parks or trailer camps operated by the municipality.

